

No. 1478-4Lab-76/6211.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial, Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Havels Electrical Sales Corporation, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 80 of 1969

Between

THE WORKMAN AND THE MANAGEMENT OF M/S HAVELS ELECTRICAL SALES
CORPORATION, FARIDABAD

AWARD

By order No. ID/FD/455-A/30874, dated 24th November, 1969, the Governor of Haryana, referred the following dispute between the management of M/s Havels Electrical Sales Corporation, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the grades and scales of the workmen should be fixed, if so, with what details and from which date ?
- (2) Whether gratuity scheme should be introduced in the Factory, if so, with what details and from which date ?
- (3) Whether the workmen are entitled to the grant of bonus for the year 1967-68, if so, with what details ?
- (4) Whether all the workmen of the factory should be provided uniforms ? If so, with what details and from which date ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings, giving rise to the following issues framed, — *vide* order dated 5th January, 1970, besides the issues framed as per terms of the disputes as referred to this Tribunal:—

- (1) Whether the dispute has not been espoused by a substantial number of workmen and Havels Workers Union has no *locus standi* to represent the interest of workmen ?
- (2) Whether the dispute has not been raised in accordance with the scheme of the Industrial Disputes Act and as such this reference is bad ?
- (3) Whether the settlement dated 20th September, 1961, has been duly terminated, If not, what is its effect ?
- (4) Whether the award published in the Gazette dated 10th June, 1967, has been terminated ? If not, what is its effect ?

Issues Nos. 1 to 4 as stated above were decided against the management, — *vide* order dated 1st May, 1970, of Shri P. N. Thukral, the then Presiding Officer, Industrial Tribunal, Haryana.

Shri O. P. Sharma made an interim award dated 27th November, 1974, while holding that the workmen were not entitled to fixation of grades and scales of pay or to the introduction of gratuity scheme in the factory or to the supply of uniforms. The interim award was duly published in the *Haryana Government Gazette* Disputes Nos. 1, 2 and 4 as stated in the reference were decided against the workmen.

The workmen being directed to adduce evidence on the demand relating to the grant of bonus for the year 1967-68 as covered by dispute No. 3, failed to do so. Shri Shanker Lal Misra authorised representative for the workmen being present on 10th October, 1975, was directed to adduce his evidence on 21st January, 1976, when he failed to appear and sent an application praying for an adjournment on the ground of ailment of his brother. This application being not accompanied by any medical certificate or affidavit, was rejected by me. It would be interesting to note that whereas the demand leading to the reference was made by Shri Bhim Singh Yadav, General Secretary, Havels Workers Union Regd., Faridabad, the claim statement was filed by Shri Amar Singh Sharma on behalf of the President of the Havels Workers Union Regd., Faridabad. Shri Sagar Ram Gupta put in appearance on behalf of the workmen with effect from 23rd July, 1970 and was succeeded by Shri Shanker Lal Misra who absented himself on 21st January, 1976. No letter of authority was filed by any of these representatives on behalf of the workmen at any stage.

It would appear that the demands raised by the workmen leading to the reference were not prosecuted well and none of their authorised representative was serious in the discharge of his duties entrusted to him, as much as no witness was summoned on behalf of the workmen by any of their authorised representatives despite many opportunities given to them in that behalf. The evidence of the workmen had accordingly to be shut in absence of the workmen on 2nd January, 1976, with the result that there was no evidence on record to substantiate dispute No. 3. The result is that in absence of any evidence in support of their demand the workmen are not entitled to the grant of bonus for the year 1967-68.

I accordingly answer the reference while returning the award in terms of my findings made above on dispute No. 3.

Dated 30th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 185, dated 2nd February, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 2nd February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1196-4Lab-76/6213.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Delhi Board Mills, 65-A Township, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 38 of 1973

Between

SHRI NATA RAM WORKMAN AND THE MANAGEMENT OF M/S DELHI BOARD MILLS,
65-A, TOWNSHIP, FARIDABAD

AWARD

By order No. ID/FD/73/12377 dated 2nd April, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Delhi Board Mills, 65-A, Township, Faridabad, and its workman Shri Mata Ram to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Nota Ram was justified and in order? If not, to what relief is he entitled?

The parties appeared in this Tribunal and filed their pleadings giving rise to the following issues :—

- 1) Whether it is not a case of termination of service of the workman concerned Shri Nota Ram had his services automatically come to an end on attaining the age of superannuation as per section 2(a)(ii) of the payment of Gratuity Act read with payment of Gratuity Rules, 1972? If so, with what effect? (on management)
- 2) In case issue No. 1 is not proved whether the termination of services of Shri Nota Ram was justified and in order? If not, to what relief is he entitled?

The case was at the stage of recording the evidence when the parties arrived at amicable settlement whereby they agreed that the management shall pay to the workman gratuity for his service for the period from 1957 to 1973 and payment of Gratuity Act besides one month's pay in lieu of notice, wages of leave period if due; earned wages if due, bonus if due and one month's wages as *ex gratia* payment.

It would thus appear that there is now no dispute between the parties relating to the reference requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

Dated 27th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 98, dated 27th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 27th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1477-4Ld-76/6214. - In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Havells Electrical (Sales) Corporation, Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 123 of 1970

between

**THE WORKMEN AND THE MANAGEMENT OF M/S HAVELLS ELECTRICAL (SALES)
CORPORATION, FARIDABAD**

AWARD

By order No. ID/FD/455-A/27046, dated 11th September, 1970, the Governor of Haryana, referred the following dispute between the management of M/s. Havells Electrical (Sales) Corporation, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.—

Whether workmen are entitled to the grant of Bonus for the year 1968-69 ? If so, with what details ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them giving rise to an issue framed,—*vide* order dated 23rd October, 1972 in terms of the dispute stated above.

Shri Shankar Lal Misra authorised representative for the workmen appearing before me on 25th July, 1975 was granted an adjournment on a request made by him on the ground that Shri Sagar Ram Gupta authorised representative for the workmen appearing earlier could not be present for unavoidable reason. He was accordingly directed to arrange for his appearance on a day a authorised representative for the workman on 7th October, 1975. 7th October, 1975 being declared as a holiday on account of Id festival, the case was put up before me on 10th October, 1975 when Shri Shankar Lal Misra appeared for the workmen and Shri D. C. Chahal represented the management. Shri Shankar Lal was directed to adduce evidence in support of the issue, on 21st January, 1976 when he absented himself and sent an application (attached with connected reference No. 80 of 1969) praying for grant of an adjournment on the ground of ailment of his brother. The application being not accompanied by any medical certificate or affidavit was rejected and *ex parte* proceedings were taken up against the workmen.

The workmen failed to adduce their evidence despite many opportunities being given to them for establishing their case. It would be interesting to note that whereas the demand was raised on behalf of the workmen by one Sh. Bhim Singh Yadav representing himself to be the General Secretary of Havells Workers Union Regd, Faridabad, the statement of claim was filed on their behalf by Shri Sagar Ram Gupta, on 25th October, 1970. He was succeeded by Shri Amar Singh Sharma who put in their appearance on behalf of the workmen on 28th October, 1970 and 30th November, 1970. Shri Sagar Ram Gupta

again appeared for the workmen on 1st February, 1971 and 22nd March, 1971. Each one of Shri Sagar Ram Gupta, Amar Singh Sharma and Shankar Lal Misra replaced the others on subsequent hearing. None of these representatives filed any authority on behalf of the workmen entitling him to represent them. The demand raised by the workmen leading to this reference do not thus appear to have been prosecuted diligently. No witness was summoned on behalf of the workmen despite many opportunities being granted to them in this connection, and finally none appeared for the management resulting in *ex parte* proceedings against them. All this led to a conclusion beyond doubt that the workmen were not interested in pursuing their demand leading to the reference and their case remained unestablished.

I accordingly in absence of any evidence for the workmen in support of the issue hold that they are not entitled to the grant of bonus for the year 1968-69. I answer the reference while returning an award in terms of my findings made above.

MOHAN LAL JAIN,

Dated the 29th January, 1976.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 1191-4 Lab-76/6215.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Globe Steel, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 99 of 1975

between

SHRI RAM BACHAN, WORKMAN AND THE MANAGEMENT OF M/S GLOB STEEL,
BALLABGARH

AWARD

By order No. ID/FD/75/33134, dated the 9th June, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Globe Steel, Ballabgarh and its workman, Shri Ram Bachan to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947:-

Whether the retrenchment of Shri Ram Bachan was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance before me in response to the usual notices of reference sent to them.

Shri Sunhari Lal authorised representative for the workman made a statement on 23rd January, 1976 that the workman did not propose to pursue the demand leading to this reference and that he had left for some unknown place.

It would thus appear from the statement of Shri Sunhari Lal that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while making an award in terms of my findings made above.

Dated 27th January, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 8th March, 1976

No. 1193-4 Lab-76/6577.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Plasser & Theurer Railway Machinery, Manufacturers, Gurukul Indra-Prastha Estate, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Complaint No. 5 of 1975 under section 33-A of the Industrial Disputes Act, 1947.

between

SHRI SHIV SAGAR TRIPATHI, WORKMAN AND THE MANAGEMENT OF M/S PLASSER
AND THEURER, RAILWAY MACHINERY MANUFACTURERS, GURUKUL INDRA-PRASTHA
ESTATE, FARIDABAD

AWARD

Shri Sushil Bhattacharya concedes that complaint No. 5 of 1976 brought by the workman under section 33 of the Industrial Disputes Act, has become infructuous as a result of an application made by the management for approval of their action of dismissal of the workman, on the date of termination of his service. I accordingly in view of the concession made by Shri Bhattacharya dismiss the complaint as having become infructuous.

MOHAN LAL JAIN,

Dated 27th January, 1976.

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 986-4Lab-76/6579.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act, No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Accurex Optica Industries, Model Town, Jagadhri:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 80 of 1975

between

SHRI JAGDISHWAR PARSAD, WORKMAN AND THE MANAGEMENT OF M/S ACCUREX
OPTICA INDUSTRIES, MODEL TOWN, JAGADHRI.

AWARD

By order No. ID/AMB/220-F-75/54219, dated 4th August, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Accurex Optica Industries, Model Town, Jagadhri, and its workman Shri Jagdishwar Parsad to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Jagdishwar Parsad was justified and in order ?
If not, to what relief is he entitled ?

The parties appeared in this Court in response to the usual notices of reference sent to them.

Shri Surinder Kumar authorised representative for the workman made a statement on 13th January, 1976 withdrawing the demand raised by the workman on the management leading to this reference, on the ground that the same had been satisfied.

It would thus appear that there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of my findings made above.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 15th January, 1976.